

APPENDIX

TO

Journals of Senate and Assembly

OF THE

TWENTY-FIRST SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA.

1903



CARSON CITY, NEVADA
STATE PRINTING OFFICE, . . . ANDREW MAUTE, SUPERINTENDENT
1903

STATE OF NEVADA

MESSAGE

OF

Governor Reinhold Sadler

TO THE LEGISLATURE OF 1903

(Twenty-first Session)



CARSON CITY, NEVADA

STATE PRINTING OFFICE, : : : : ANDREW MAUTE, SUPERINTENDENT
1903

MESSAGE OF GOVERNOR SADLER.

To the Honorable, the Senate and Assembly:

GENTLEMEN: In obedience to the will of the people of this State, you have assembled in legislative council under conditions of hopeful promise for the future welfare of our Commonwealth. I congratulate you upon the fact that the depression of business and depletion of population and wealth caused by the decadence of silver mining is happily disappearing. New and important discoveries within the State have attracted investigation and investors to our mining and other possibilities in such number as to remove all doubt of permanence and value. The forces that elevated our mountains and leveled our valleys were not exerted in vain. In the hidden recesses of our mountains the miner delves with confidence for metals which the teeming millions of the earth must have. Not for gold and silver alone, but for every mineral known to be useful and valuable to civilized man. In the valleys the farmer has but to till the soil, plant the seed, irrigate and cultivate, to produce bountiful crops in return. Under such conditions it is not surprising that many of our former citizens are returning from their wanderings, some from the frozen North, others from the torrid regions of the South, to reinhabit and enjoy the most delightful, healthful and invigorating climate to be found in the world, and to share in the general prosperity of our people. Neither is it strange that capitalists and all classes of business men should come with fervid zeal to develop our vast resources and possibilities.

I earnestly hope the Legislature and people of this State will give them hearty welcome and that safe and liberal laws will be enacted for their protection and convenience.

In adverting to the financial condition of the State at this time, I am pleased to inform you that it is now in most satisfactory condition, owing absolutely nothing, and having a credit balance of between three and four million

dollars, consisting of positively reliable interest-bearing securities, which will be shown under the proper heading in this report.

NEVADA STATE BONDS AND UNITED STATES BONDS HELD BY THE SEVERAL FUNDS.

State School Fund.

Jan. 1, 1901—Irredeemable bond	\$380,000 00
Nevada 4 per cent bonds	175,000 00
United States 4 per cent bonds	644,000 00
United States 4 per cent bonds, 1925	100,000 00
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	\$1,229,000 00
Nevada 4 per cent bonds, issue 1901	\$15,500 00
United States 4 per cent bonds purchased in 1901	35,000 00
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	\$50,500 00
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	\$1,349,500 00
Nevada 4 per cent bonds redeemed in 1901	\$25,000 00
Nevada 4 per cent bonds redeemed in 1902	13,000 00
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	\$38,000 00
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	\$1,311,500 00
United States 4 per cent bonds purchased in 1902	80,000 00
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	\$1,391,500 00

University Fund, 90,000-Acre Grant.

Jan. 1, 1903—Nevada 4 per cent bonds	\$54,000 00
United States 4 per cent bonds	39,000 00
	<hr/>
	\$93,000 00
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	\$1,484,500 00

State University Fund.

Jan. 1, 1903—Nevada 4 per cent bonds	\$33,600 00
United States 4 per cent bonds	2,000 00
	<hr/>
	35,600 00
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	\$1,520,100 00

The United States 4 per cent bonds show an increase in past two years of \$115,000.

Jan. 1, 1901—Balance in Treasury	\$260,258 70
Receipts, 1901	512,006 16
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	\$773,164 86
Disbursements 1901	503,314 85
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Jan. 1, 1902—Balance in Treasury	\$269,850 01
Receipts, 1902	497,124 82
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	\$766,974 85
Disbursements, 1902	486,580 75
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Jan. 1, 1903—Balance in Treasury	\$280,394 08

OBLIQUE BOUNDARY LINE BETWEEN CALIFORNIA AND NEVADA.

Prior to the session of the Nevada Legislature of 1901, the Superintendent of the United States Coast and Geodetic Sur-

vey made inquiry regarding the recognition of the boundary line between this State and California, recommending that the line lately surveyed and marked by the United States Coast and Geodetic Survey be accepted by the States interested, all of which was set forth in my message to the last Legislature, and resulting in the passage of Senate Joint and Concurrent Resolution No. XVI as follows:

Resolved by the Senate, the Assembly concurring, That in 1903 a Committee shall be appointed from the Legislature of this State, provided the California Legislature shall appoint a like Committee, to jointly confer with the officers of the United States Coast and Geodetic Survey, with a view to getting the necessary data for properly considering and fixing the oblique boundary line between California and Nevada.

This resolution was forwarded to the Governor of California and acknowledgment received. It seems, however, that the California Legislature had, a few days before the passage of the Nevada resolution, enacted the following law:

AN ACT TO DEFINE AND ESTABLISH A PORTION OF THE EASTERN BOUNDARY
OF THE STATE OF CALIFORNIA.

[Became a law under constitutional provision without Governor's approval,
March 1, 1901.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That portion of the eastern boundary line of the State of California southeastward from Lake Tahoe, and extending to the Colorado River; that is to say, southeastward from the intersection of the thirty-ninth degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, to the Colorado River, as lately surveyed, established and marked by the United States Coast and Geodetic Survey, completed during the year nineteen hundred, is hereby declared to be the true, correct and legal boundary line of the State of California between Lake Tahoe and the Colorado River, and the said line, as surveyed, established and marked aforesaid, shall now and hereafter be recognized and considered by the Courts of this State as the boundary of this State between the two said points, viz: Lake Tahoe and the Colorado River.

It will, from the above, appear that California has already adopted the Geodetic Survey as the boundary line from Tahoe to the Colorado River and it will, therefore, be useless to expect a joint conference.

The question now presented to the Legislature of this State is the propriety of accepting the line as California has done, or permit the matter to remain open. The question of taxation is a source of annoyance to property owners, as both

States are claiming jurisdiction, and the same difficulty is encountered in the prosecution of crimes committed within the unrecognized limits between the States.

By giving this matter due consideration it may be the means of avoiding future difficulties. For definite information concerning the line as surveyed, reference can be had from the official plat and field notes on file in this office.

SALARIES OF DEPUTIES.

In view of the present conditions I am most decidedly in favor of increasing the salaries of the Deputies employed in the several departments of the State Government. The increased cost of living certainly justifies this recommendation when the character of the service and ability necessary to the proper performance of the duties demanded are considered.

There is not a Deputy in the service who is not qualified to at any time fill the place of the principal, and it is an indisputable fact that the business of the State has largely increased during the last decade. The sum of \$3 33 per diem is not a just recompense for the skilled and responsible work performed. Miners and ordinary laborers are frequently better paid. The State has never paid for a day's labor less than \$3, or its equivalent, and it is an injustice to require the service of those who have spent years in acquiring the knowledge fitting them for the position to be filled without better remuneration.

Therefore, it is my most earnest desire that the salaries of all Deputies be increased by your honorable body in equal proportion to that paid by private individuals and corporations for like services rendered.

TONOPAH EPIDEMIC.

As is well known throughout the State, an epidemic of alarming character occurred in the new mining district of Tonopah, creating for a time great alarm and a very serious condition of affairs.

I hereby append the following correspondence, which will give the necessary information, and also recommend that Mr. Brougher be reimbursed to the extent of \$100 and Mr. Oddie to the extent of \$200, which amounts were paid by them in sending Dr. Lee to relieve the distress :

Message of Governor Sadler.

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(Telegram.)

TONOPAH, NEVADA, January 12, 1902.

To GOVERNOR SADLER, Carson, Nevada:

Citizens of Tonopah strongly advise sending physician here immediately to investigate and check malady.

T. L. ODDIE, District Attorney of Nye county.

(Telegram.)

TONOPAH, NEVADA, January 12, 1902.

To GOVERNOR SADLER, Carson, Nevada:

Epidemic prevailing here. Doctors unable to check it. Can you give us any medical assistance? Answer.

JACK O'TOOLE, President Miners' Union.

CARSON CITY, NEVADA, January 18, 1902.

To His Excellency, REINHOLD SADLER, Governor of Nevada:

GOVERNOR: In compliance with request of your Secretary, Mr. Davis, I proceeded to Tonopah, Nye county, Nevada, on Monday, January 13th, to investigate the deplorable condition that obtained in that camp, and the sanitation, the water supply, the habitations and the causes that led up to the fearful death rate of its citizens.

Upon my arrival there I found a condition that amounted to panic.

An epidemic of pneumonia with complications broke out there on the night of December 31, 1901, and between that date and January 13th seventeen deaths occurred. However, only thirteen of the above number died of the disease named. There were twenty-six cases of an aggravated character and 50 per cent of them died. In addition to this number there were some thirty or forty cases similar in character, but milder in form—all of whom recovered.

Much difference of opinion existed in the minds of the physicians as to the character of the disease and the cause of it. All agreed, however, that disease of the lungs existed in each and every case.

It was unfortunate that only one autopsy was made. Had more been performed a more perfect knowledge of the pathology would have been obtained. From the data that I was enabled to acquire, I have no hesitancy in saying that the disease is pneumonic in character, but complicated with congestion of the liver in most cases and gastric disturbances and weak hearts in all of them. The disease is similar in character to that which prevailed in Hamilton, Eureka, and Pioche in the late '60s and early '70s, and like that in Bodie in 1878-9.

After as thoroughly investigating the matter as it was possible to do in a period of thirty-six hours, I see no cause for panic, or to look upon the disease that exists in Tonopah as one of mysterious character.

That the mortality has been great is conceded, but no more so than occurred in the towns I have previously mentioned. The rate of mortality might have been much less had the sick been better housed. Lying, as most of them did, in tents, a proper regulation of temperature could not be secured.

The sanitary condition of the town is bad, and the water supply, if possible, is worse, both of which, however, could be almost perfectly corrected.

Too much credit cannot be given to the energy, generosity and wisdom displayed by the Miners' Union. They immediately put up a small hospital building and moved their sick members into it as soon as possible after they

were stricken down, and secured the best nurses obtainable to care for the sick after they were moved in.

The General Manager of the Tonopah Company, Mr. Oddie, was also very energetic and liberal in his donations to relieve the afflicted.

It is almost unjust, however, to mention one individual above another in this matter, for every one gave of his substance or time to aid the afflicted.

Your Excellency, this may be an inopportune time, but I cannot refrain from urging the necessity for a greater appropriation for the use of the State Board of Health when our next Legislature convenes.

Respectfully submitted,

S. L. LEE, M.D.,
Secretary Nevada State Board of Health.

STATE OF NEVADA, EXECUTIVE CHAMBER,
CARSON CITY, NEVADA, January 27, 1902.

D. C. FITZPATRICK, J. R. D. RAWLINGS, and GEO. A. COLE, *Committee for Miners' Union No. 121, U. F. M. A.:*

GENTLEMEN: Your letter bearing date of the 23d instant, relative to the visit of Dr. Lee to Tonopah in response to a telegram from Jack O'Toole, President of the Miners' Union, and also one received from Mr. T. L. Oddie, District Attorney of Nye county, addressed to me January 12th, received.

Upon receipt of the telegrams named the conditions seemed extremely serious, and the matter was immediately brought to the attention of Dr. Lee, Secretary of the State Board of Health. He stated that he had some patients that were in a critical condition here, his own wife being one, and for all of whom he felt deep concern; that the appropriation made by the last Legislature (\$500) would be nearly exhausted when the standing claims against it were liquidated, and that under these conditions he could not afford to make the trip. Mr. Brougher, being in Carson and known to be well acquainted with the conditions prevailing in your town, was shown the dispatches received, and informed of the state of affairs as expressed by Dr. Lee. Mr. Brougher immediately went to Dr. Lee's office and upon the above representation being repeated to him by Dr. Lee, he proposed to draw his check for \$100, and stated that he believed that further contributions would be made by the people of Tonopah. Dr. Lee finally agreed that he would go upon these conditions and authorized a telegram to be sent to that effect.

Now, as to his charge being extortionate, I acknowledge that I am not properly qualified to judge, but I doubt that any first-class practicing physician could have been secured for less.

By referring to the statute governing the organization and defining of the duties of the State Board of Health (Sec. 1534, Compiled Laws), you will see that the law provides "that the annual expenses of the Board, including salaries and traveling expenses, shall not exceed one thousand dollars." The last Legislature deemed \$250 per annum sufficient, and this cannot be exceeded without a deficiency allowance being passed by the Board of Examiners, which, in this instance, occurring on Sunday and being considered so urgent, was impracticable.

In so far as the reimbursement of Messrs. Oddie and Brougher is concerned, it is my intention to recommend to the next Legislature that a relief bill be passed and the money refunded to them, which I believe will be done.

I regret very much that I am unable to relieve the suffering existing in your community, but my power is very limited.

Hoping that conditions will soon improve, I am, yours truly,
REINHOLD SADLER, Governor.

PAN-AMERICAN EXPOSITION.

CARSON CITY, NEVADA, November 22, 1902.

To His Excellency, REINHOLD SADLER, Governor of Nevada:

SIR: The Twentieth Session of the Legislature of the State of Nevada having passed an Act providing for the collection, arrangement and display of the products of the State at the Pan-American Exposition held in the City of Buffalo, State of New York, from May 1 until November 1, 1901, five thousand dollars was appropriated to carry out the provisions of said Act, and the following Commissioners were appointed, and duly qualified: John Wagner of Ormsby county, J. A. Miller of Lander county and J. A. Yerington of Esmeralda county.

A meeting of the Board of Pan-American Exposition Commissioners was called at Carson City, March 8, 1901, for the purpose of organization. All members being present, the following officers were elected:

J. A. Yerington, Chairman and Executive Commissioner.

John Wagner, Vice-Chairman.

J. A. Miller, Secretary.

Bullion and Exchange Bank, Treasurer.

Lester C. Bell of Nye county was appointed Assistant in charge of the exhibit.

The Executive Commissioner was authorized to take such action necessary to procure proper space for making a creditable exhibit, and adding to the State exhibit, which was being forwarded from the Paris Exposition to Buffalo.

The Director of Mines could not comply with the demand for space made by the State, but allowed 50 feet by 6 feet along the north wall of the Mining Building. The space, although somewhat limited, proved a most advantageous one for exhibiting the minerals. Through the assistance of Dr. Day, Director of the Department of Mines and Mining, the State procured from the Government a solid mahogany case 50 feet long, 6 feet wide, and 11 feet high, requiring nine large heavy plate-glass windows to protect the exhibit. The entire wall space above the case for fifty feet was covered with paintings representing our mining industry.

The exhibit was installed and turned over to the Department some days previous to the opening (May 20th), and the State received due credit for having been the first in readiness.

In order to show the material benefits derived, it will be necessary to describe the installation of the exhibit. Coming down the north aisle the first of our exhibit to attract attention was the complete miniature five-stamp mill, illustrating the process of milling free gold ore coming in cars from a tunnel in the background, from the time it entered the mill until it went over the concentrators. A small dynamo was supposed to furnish the power, which in reality came over the wires from Niagara Falls, a distance of twenty miles. This was the only plant in full operation in the Mining Building, and was loaned the State by the Union Iron Works of San Francisco.

The exhibit of copper ores followed, and it may be said that every species from native to the lower grade carbonates were there. This exhibit

created keen interest among mining men. Iron ores in profusion followed, with silver ores of every description from the surface to the depth of 3,250 feet, and gold ores carrying from only a few dollars to the ton to the wire gold, leaf gold and placer nuggets. An interesting exhibit of Comstock ores, accompanied by models showing method of timbering, stoping, Aragonite boxes formed by the minerals in the water as it flowed through the original wooden boxes, wood compressed from 16x16 inches to 2x6 inches resembling ebony, the original bean pole that was used in checking the flow of the hot water from the drill holes in the face of the drifts, and numerous photographs illustrating the ponderous machinery used in developing the lode, and the various hoisting plants and mills, proved a study within itself.

A statue representing a typical prospector stood in the center of the big case, a pick held in one hand, while the other outstretched, calling attention to our mineral wealth. The next section was devoted to a general display of some sixty varieties of minerals procured from all sections of the State, followed by an exhibit of "recent discoveries," including Tonopah, South Klondike, Searchlight, Wedekind, Ely, and other points not as prominent. The chemical and non-metallic mineral exhibit occupied an entire section, as did the exhibit of the Pacific Coast Borax Company, which showed twenty mules hauling two wagons loaded with crude borax and a tank wagon with water, across a Nevada borax marsh. A pyramid of all the natural and refined products of borax filled the background, making a most interesting exhibit, and creating general comment from the press and public.

The wall space along the entire exhibit was covered with maroon burlap, the pyramids, cones and stands for the minerals were covered with a dark green shade of heavy cloth, and, having carpet to match, made a most effective combination. Incandescent electric lights were arranged along the entire length of the interior of the case, and, as the surrounding exhibits were poorly lighted, our exhibit was made attractive at night, the effect of the electric lights causing the bright minerals to look more resplendent than ever.

Nevada received her full share of complimentary notices through the press of the country, and the leading mining journals had their representatives make a study of the exhibit. The State was honored in having her Executive Commissioner elected President of the Executive Commissioners Association, which had for representation a member from every State and country of the western hemisphere and the island possessions of the Atlantic and Pacific Oceans. Through the courtesies of the administration, the Casino, built at a cost of \$30,000 by the City of Buffalo, within the Exposition grounds, was given over to the Association. Meetings were held weekly, and anything appertaining to the promotion of the exhibits was freely discussed. Many invitations to visit the principal cities in a body were received. The desire on the part of the citizens was to bring into closer touch the relations between the respective States and countries represented, and show to our Southern neighbors the great manufacturing industries of the United States.

Toronto was not to be left in doing the same thing in behalf of Canada. The other cities visited included Syracuse, where Nevada has a great competitor in the production of sodas, etc., Washington, D. C., and Charleston, S. C., the freedom of each city being tendered the Association. During these trips the Commissioners were called upon to give information as to the advantages of the particular section they represented, and it was grati-

fying later to know of some thirty-seven people having visited this State for the purpose of looking into the various mining propositions. Two companies were formed with a capital of \$1,000,000 each, and, through business relations formed at the Exposition, another company was organized with a capital of \$2,000,000. These three companies having acquired the properties, contemplate the immediate expenditure of fully \$1,000,000 for machinery, power line, and pipe for conveying water.

The last act performed by the Board of Review having control over the Board of Awards and the Superior Jury was to grant to Nevada the only gold medal given for a State exhibit in the Department of Mines and Mining. The State had received a similar medal on installation, but the merit of the exhibit rested in the fact that 118 varieties of minerals were displayed, and the contention was that no similar area could reproduce them. The vote of the Board was unanimous.

There being no chemical laboratory in connection with the Department of Mines, the Commissioners were content to allow the State to rest on its laurels obtained at the World's Fair, and conspicuously displayed the awards on the exhibits having previously won them.

Space was allotted for an agricultural display, but, owing to the lack of funds in order to do justice to the same, the Commissioners deemed it advisable to make the most attractive showing possible in the one department.

In accordance with the Act providing for the return of all exhibits free to the owners, we will say: All exhibits either so ordered, or having a specific value attached, were returned to the owners; the balance of the exhibit, with the exception of some of the crude minerals, which were carefully labeled and donated to the Historical Society of the City of Buffalo, are carefully stored. The freight and express on these would amount to considerable, and in case the State should require the loan of them, no doubt the owners would gladly comply with such a request. The mahogany mineral cases were not removed in time to be shipped with the exhibit, and are stored in Buffalo, waiting further disposition.

The State Board of Examiners were advised from time to time of the moneys expended, vouchers accompanying the reports of the Chairman.

The following is a recapitulation of all expenses:

Vouchers submitted May 23, 1901.....	\$2,119 50
Cash on hand May 23, 1901.....	\$390 50

Vouchers submitted August 7, 1901.

Labor and salaries.....	\$788 85	
Statement of Chairman.....	195 95	
Vouchers attached.....	180 37	
		1,165 17
Cash on hand July 31, 1901.....	\$215 33	

Vouchers submitted December 31, 1901.

Salaries July 31 to December 13, 1901.....	\$1,527 97	
Statement of Chairman.....	573 69	
Vouchers attached.....	195 67	
		2,300 33
Total.....		\$5,585 00
Amount appropriated.....	\$5,000 00	
Rebate on plate glass.....	204 00	
		5,204 00
Overdraft.....		\$381 00

The Commissioners wish to take this opportunity in thanking your Excellency and other State Officials, the Nevada State Printing Office, the citizens, W. H. Mills and Jos. A. Filcher of San Francisco, the railway companies, Pacific Coast Borax Company, and the Union Iron Works of San Francisco for their courtesies which aided us in making our exhibit a most worthy one.

Too much credit cannot be given to President Milburn, Director-General Buchanan, Director of Mines Dr. David T. Day, the management of the Exposition and members of the Executive Commissioners Association, for their many acts of kindness. Although the Exposition did not prove a financial success to the stockholders, nevertheless it carried out to the fullest extent the one purpose for which it was inaugurated, viz: Bringing into closer fellowship all countries of the Western Hemisphere, and the following extracts from the greatest and last speech of President McKinley to the world, at the Pan-American Exposition, were most opportune, viz:

"Expositions are the timekeepers of progress."

"Amity is better than animosity."

"Reciprocity is better than retaliation."

In closing this report the Commissioners sincerely trust their efforts in behalf of the State will bespeak for themselves.

We have the honor to remain, most respectfully,

J. A. YERINGTON, Chairman.

JOHN WAGNER,

J. A. MILLER.

STATE UNIVERSITY.

The State University has proven to be of great benefit to the young people of the State, and is entitled to your consideration for its future welfare.

The Report of the Regents and the President will give you the necessary information concerning its management and needs, to which I respectfully call your attention.

PUBLIC SCHOOLS.

The public schools of the State are in a very satisfactory condition. I find by examination that there are now in the State Treasury securities pledged to their support to the following amounts:

United States bonds par value \$859,000, bearing 4 per cent per annum; also \$532,500 State bonds, being a total of \$1,391,500.

The land contracts held by the State and in the custody of the State Land Register belonging to the State School Fund amount to \$1,215,000, approximately, from which a revenue of \$72,913 16 was derived. The interest on United States bonds and Nevada State bonds amounted to \$50,159 13, mak-

ing a total of \$123,072 29, which was distributed to the several counties of the State as provided by law.

STATE ORPHANS' HOME.

This institution was partially destroyed by fire on July 4th, last. Since then the wards of the State have been taken care of in the best possible manner under the circumstances. The main building was burned. The necessary steps are being taken to construct a building more suitable for the care of the inmates. I recommend a special appropriation, and that bonds be issued payable to the State School Fund for the necessary amount required for construction.

UNITED STATES GEOLOGICAL SURVEY.

I hereby transmit for your consideration and action, letter and papers received from the Department of the Interior:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., November 21, 1902.

THE GOVERNOR OF THE STATE OF NEVADA, *Carson City, Nevada:*

SIR: I have the honor to transmit herewith a letter addressed to you by the Director of the Geological Survey and to commend to your favorable consideration the suggestion therein contained, that legislation be enacted at the next session of the Legislature of the State of Nevada looking to the providing of better facilities for the carrying on of the scientific and engineering work of the Geological Survey in the State of Nevada. Very respectfully,

THOS. RYAN, Acting Secretary.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
WASHINGTON, D. C., November 20, 1902.

His Excellency, REINHOLD SADLER, Governor of Nevada, Carson City, Nevada:

SIR: From time to time the employees of the United States Geological Survey have been embarrassed in the prosecution of their field surveys by individuals refusing to permit them to enter upon their property. With a view to obviating this difficulty, I have the honor to recommend that you submit to the next session of your Legislature an Act similar to the one hereinafter cited.

I am sure that a compliance with this request by your Legislature will be in the interests of your State in that it will enable the Geological Survey to carry on most conveniently its important scientific and engineering work.

Acts similar to the following have been passed by the Legislatures of New York, Ohio, Pennsylvania and Maine, and by a large number of States similar acts have been passed in the interests of the United States Coast and Geodetic Survey:

"An Act authorizing any person employed under and by virtue of an Act of Congress of the United States relating to the surveys of the Geological Survey of the United States:

"For the purpose of making the surveys required of the Federal Geological Survey by Acts of the United States Congress, it shall be lawful for the persons employed in making the same to enter upon the lands within the boundaries of this State, but this Act shall not be construed as authorizing any unnecessary interference with private rights." Very respectfully,

CHAS. WALCOTT, Director.

**TO PREVENT THE POLLUTION OF WATERS OF LAKES, RIVERS AND
RUNNING STREAMS OF THIS STATE.**

My attention has frequently been called during the last two years to the pollution of streams of water, and more particularly the Truckee River.

This is a stream of immense importance to the people residing thereon or contiguous thereto, and the question of control is the more difficult by reason of being interstate in character, and also that such impurities emanate from sources of business energy which no one desires to embarrass or oppose further than to preserve the public health and purity of the stream. It is certainly essential that some action be taken to secure the impounding of refuse matter, either by agreement with the owners of mills outside of the State, joint and concurrent action between this State and other States, or an appeal for protection through the Courts of the United States.

The people living along this stream are now suffering alarmingly from diseases which are said by physicians to have been propagated by this refuse and filth constantly being run into the river, and if the lives of the people are to be endangered and actually sacrificed by such means, some strenuous measure must of necessity be adopted to abate the nuisance. "Self-protection is the first law of Nature," and will prevail in this case.

The fish industry, which is of great importance and value, is also being ruined by this contamination.

The consideration of this subject and the correct solution by your honorable body will confer a great favor upon the people.

I, therefore, recommend that a sufficient appropriation be made to enforce the law, not only in this State, but in adjoining States.

STATE REVENUE.

You will find embodied in the report of the State Controller a very elaborate presentation of the transactions relating to this most important and difficult problem during the last two years.

The Act of 1901 providing for a meeting of the Assessors from the various counties of the State to fix values upon the different classes of property was contested by the Central Pacific Railroad enjoining the Assessors from acting under their agreement as made under the law. An action was brought by the railroad company in the United States District Court to enjoin said Assessors from assessing their property at the valuation as agreed to by said Board. This necessitated a defense by the State and the following attorneys were employed to assist the Attorney-General: Trenmor Coffin, Alfred Chartz, and James R. Judge, with whom the State Board of Revenue entered into an agreement herewith submitted:

WHEREAS, The Southern Pacific Railroad Company has brought suit against William Kinney and thirteen others, acting as a Board of State Assessors, in the Circuit Court of the United States, Ninth Circuit, District of Nevada; and

WHEREAS, Said Assessors have been enjoined by order of Court from acting in pursuance of law in such case made and provided; and

WHEREAS, The Governor, Attorney-General and State Controller of the State of Nevada, constitute a legally organized Board to enforce the collection of revenue and prosecute delinquents, with certain defined powers and duties; and

WHEREAS, Said last-mentioned Board deem it necessary to defend said action and to employ additional counsel for that purpose:

Now, therefore, these presents witnesseth: That said last-mentioned Board have employed and do hereby employ James R. Judge, Trenmor Coffin and Alfred Chartz as associate counsel to the Attorney-General of the State of Nevada to defend said action in said United States Circuit Court, and as compensation for all their services in defending said action in the United States Circuit Court, do hereby on the part and on behalf of the State of Nevada agree to pay each of said additional counsel the sum of one thousand dollars as follows:

The sum of \$250 each as a retainer upon the first meeting of the Board of Examiners in July, 1901, and the further sum of \$750 each, if the same is allowed and approved by the Legislature of the State of Nevada to meet at its Twenty-first Session, which said payment said Board will recommend to be made under and by virtue of proper appropriation therefor.

It is mutually understood and agreed that if said Legislature fails to appropriate, or if any subsequent Legislature fails to appropriate, moneys to pay said sum of \$750 for each of said additional counsel, that said Board, nor any individual member thereof, shall not be held responsible for the payment thereof.

It is further mutually understood and agreed that in the event said action as aforesaid and now pending in the said Court shall be dismissed or abated without actual trial thereof, then and in that event said payment of two hundred and fifty dollars for each of said additional counsel shall constitute and be full payment for all their said services to date of settle-

ment or abatement of said action, and for all services performed by them in said action to date.

IN WITNESS WHEREOF, The contracting parties hereto have set their hands and seals, this 29th day of June, 1901.

REINHOLD SADLER, [SEAL]

SAM. P. DAVIS, [SEAL]

W. WOODBURN, [SEAL]

State Board for Enforcing the Collection of Revenue and to prosecute delinquents.

We, the undersigned, agree to the foregoing terms.

JAMES R. JUDGE, [SEAL]

ALFRED CHARTZ, [SEAL]

TRENMOR COFFIN, [SEAL]

Additional counsel employed to enforce the collection of revenue and to prosecute delinquents.

The relief asked for by the railroad company was granted by reason of the failure of the Assessors to properly classify railroads. This contract made by the State Board of Revenue with the attorneys has been complied with by them in so far as the suit has progressed.

This matter is respectfully referred to your honorable body for consideration.

The valuation of real and personal property for the year 1902 was \$29,324,666 60, at a rate for State purposes of 80 cents per \$100. The Board of Assessors again met on the 13th day of January this year, and after fixing values adopted the following resolution:

WHEREAS, Under and by virtue of the provisions of the Statutes of the State of Nevada, we, the Assessors representing the said State, having met in convention and classified and fixed the value of certain classes of property, do hereby

Resolve: That it is the sense of this convention that we do hereby ratify and confirm all proceedings heretofore had, at this session, beginning January 12, 1903, and ending January 13, 1903, and do bind ourselves to abide by the action taken by the said convention.

This indicates a disposition on the part of the Assessors to carry out the provisions of the law, and further manifests that the law is not so obnoxious as heretofore represented.

From the present financial condition of the State, and the future prospect of valuation being maintained and most likely increased, I recommend that the tax levy for State purposes be made at 65 cents per \$100, which I deem sufficient to provide the necessary revenue for State purposes, if no unusual appropriations be made by your honorable body.

DEFICIENCIES.

The following deficiency claims have been authorized by the State Board of Examiners:

June 3, 1902, at request of Capitol Commissioners for the Current Expense Fund, \$350. On October 3d, a further deficiency of \$500 for the Current Expense Fund was allowed. The amounts allowed by the Board of Examiners and in the hands of the Controller and due the several parties is \$903 50. All of the bills being just should be paid.

On October 3d there was also allowed a deficiency claim, at request of Capitol Commissioners, for Capitol grounds, \$150, and \$116 has been allowed by the Board of Examiners and the itemized bills are in the Controller's office.

At further request of the Board of Examiners a deficiency was allowed for the care, support and education of the deaf, dumb, and blind for the amount of \$100, against which \$84 22 in bills are filed.

On December 2d, at request of the Superintendent of the Hospital for Mental Diseases, a deficiency was created for the sum of \$1,000. The request was granted, for reasons given by Dr. Patterson which appear on file in the Secretary of State's office, but owing to the Hospital not being finished no bills have been filed against the deficiency.

On December 31st, at request of the Secretary of State, a deficiency was made and allowed for indexing and compiling Supreme Court Reports for \$200.

There is also a deficiency in the fund known as "stationery, fuel, lights," etc., of \$68 70, which bills have been signed by the Board of Examiners, but are unpaid. The fund for paying traveling expenses of District Judges was also short to the amount of \$94 90, and bills have been allowed and filed for the same.

The appropriation for salaries of janitor, watchman and gardener was not sufficient to meet expenditures, and there is a deficiency of \$200 in that fund, for which bills have been filed and allowed.

In the matter of claims filed by the University, amounting to \$1,247 46 and allowed by the Board of Examiners, I find on examination that the bills are correct and due. The reason of their non-payment is that the revenue in the fund out of

which they were to be paid was, partly, not collectable and payable until the second installment of taxes become due in June, 1903.

The following claims have been allowed by the Board of Examiners and will most likely be presented to your honorable body for allowance and action in the form of relief bills. I recommend that these bills be taken up by you as early as possible in the session, and acted upon:

Bailiff of the Supreme Court, for	\$380 00
William Woodburn, Attorney-General, for.....	27 75
P. B. Ellis, Deputy Secretary of State, for.....	150 00
James K. Judge, Adjutant-General, for.....	200 00
Mrs. George T. Davis, storage, for	200 00
Wils. Brougher, money advanced Dr. Lee for expenses during the Tonopah epidemic, for	100 00
T. L. Oddie, for	200 00

IN CONCLUSION.

I have served the State in the capacity of Governor for seven years, and my associations with the people have been pleasant. I have endeavored to do my duty at all times without fear or favor according to the light of my understanding, and in looking back I have no cause to reproach myself for an intentional wrong. I have made mistakes, and do not claim infallibility, but my heart has at all times been responsive to public welfare and my effort has been exerted for the advancement of the State's interests.

In official life I have been surrounded by State officers and their deputies and employees, who have not only given me loyal support, but valuable counsel, for which I tender them sincere thanks.

In retiring from this position and its responsibilities without regret as I do, and with full assurance that the burden laid down by me has been taken up by firm and resolute hands, I tender to my successor and to his administration faithful allegiance, support and good will.

Respectfully submitted,

REINHOLD SADLER,
Governor of Nevada.